

(7)

(Dcl. Rev. 12/98)

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

Maurice Johnson

07-657

(Name of Plaintiff or Plaintiffs)

07-67

v.

CIVIL ACTION No. _____

Fluor Industrial Services, Inc.

(Name of Defendant or Defendants)

UNITED STATES DISTRICT COURT
DISTRICT OF DELAWARE**COMPLAINT UNDER TITLE VII****OF THE CIVIL RIGHTS ACT OF 1964**

2007 OCT 19 PM 3:14

1. This action is brought pursuant to *Title VII of the Civil Rights Act of 1964*, as amended, for **employment discrimination**. Jurisdiction exists by virtue of 42 U.S.C. §2000e-5. Equitable and other relief are also sought under 42 U.S.C. §2000e-5(g).

2. Plaintiff resides at 2102 N. Spruce Street
Wilmington, New Castle DE 19802
 (City) (County) (State) (Zip Code)
(302) 750-0748
 (Area Code) (Phone Number)

3. Defendant resides at, or its business is located at 6700 Las Colinas Blvd.
Irving TX 75039
 (City) (County) (State) (Zip Code)

4. The discriminatory conduct occurred in connection with plaintiff's employment at, or application to be employed at, defendant's Fluor Industrial Services, Inc. place of business
 located at DuPont- 104 Hay Road
 (Street Address)
Edgemoor New Castle DE 19809
 (City) (County) (State) (Zip Code)

5. The alleged discriminatory acts occurred on 2, May, 2007.
 (Day) (Month) (Year)

6. The alleged discriminatory practice is is not continuing.

7. Plaintiff filed charges with the Department of Labor of the State of Delaware,
Dept of Labor Division of Industrial Affairs - Discrimination Program
 (Agency) (Street Address) (City)
New Castle DE 19802, regarding
 (County) (State) (Zip Code)
 defendant's alleged discriminatory conduct on 2, May, 2007.
 (Day) (Month) (Year)

8. Plaintiff filed charges with the Equal Employment opportunity Commission of the United States
 regarding defendant's alleged discriminatory conduct on: 11, June, 2007.
 (Day) (Month) (Year)

9. The Equal Employment Opportunity Commission issued the attached Notice-of-Right-to-Sue letter
 which was received by plaintiff on: 20, July, 2007.
 (Day) (Month) (Year)

(NOTE: ATTACH NOTICE-OF-RIGHT-TO-SUE LETTER TO THIS COMPLAINT.)

10. The alleged discriminatory acts, in this suit, concern:

- A. Failure to employ plaintiff.
- B. Termination of plaintiff's employment.
- C. Failure to promote plaintiff.
- D. Other acts (please specify below)

Unequal Treatment during work

Racial Slurs

Inhibiting getting alternate employment

11. Defendant's conduct is discriminatory with respect to the following:

- A. Plaintiff's race
- B. Plaintiff's color
- C. Plaintiff's sex
- D. Plaintiff's religion
- E. Plaintiff's national origin

12. A copy of the charges filed with the Equal Employment Opportunity Commission is attached to this complaint and is submitted as a brief statement of the facts of plaintiff's claim.

13. If relief is not granted, plaintiffs will be irreparably denied rights secured by Title VII of the 1964 Civil Rights Act, as amended.

14. Plaintiff's has no adequate remedy at law to redress the wrongs described above.

THEREFORE, Plaintiff prays as follows: (Check appropriate letter(s))

- A. That all fees, cost or security attendant to this litigation be hereby waived.
- B. That the Court appoint legal counsel.
- C. That the Court grant such relief as may be appropriate, including injunctive orders, damages, cost and attorney's fees.

I declare under penalty of perjury that the foregoing is true and correct.

Dated:

10/19/2007

(Signature of Plaintiff)

(Signature of additional Plaintiff)

STATE OF DELAWARE
DEPARTMENT OF LABOR
DIVISION OF INDUSTRIAL AFFAIRS – DISCRIMINATION PROGRAM

Maurice Johnson
1029 Lombard Street
Wilmington, DE 19801

Case No. 07060332W

vs.

FLUOR INDUSTRIAL SERVICES, INC
C/O Dupont 104 Hay Road,
Psp Trailer,
Edgemoor, DE 19809

FINAL DETERMINATION AND RIGHT TO SUE NOTICE

Pursuant to 19 Del. C. § 710, *et seq.*, the parties in the above-captioned matter are hereby Noticed of the Department's Final Determination and Right to Sue Notice, as follows:

Administrative Dismissal with Corresponding Right to Sue Notice.

In this case, the Department has determined that there is no further benefit which can be provided to the parties under the administrative process. The Department hereby issues this Administrative Dismissal to signal the end of the administrative process without a specific finding. This Administrative Dismissal also provides the Charging Party with a Delaware Right to Sue Notice.

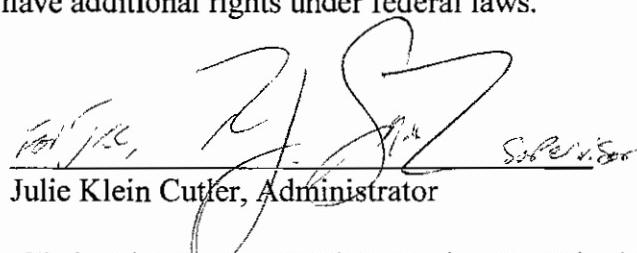
This administrative dismissal is based upon 19 Del. C. § 712 (c) (5) which states: "End of administrative process. In all cases where the Department has dismissed the Charge, issued a No Cause Determination or upon the parties failed conciliation efforts, the Department shall issue a Delaware Right to Sue Notice, acknowledging the Department's termination of the administrative process. Once the Department has issued its preliminary findings pursuant to subsection (2), the Department, in its discretion, may grant a Delaware Right to Sue Notice to a Charging Party."

See the attached Notice of Rights.

This Final Determination is hereby issued on behalf of the Department of Labor, Division of Industrial Affairs, Discrimination Program. You may have additional rights under federal laws.

7/20/07

Date issued


Julie Klein Cutler, Administrator

Delaware Department of Labor, Division of Industrial Affairs, 4425 N. Market St., Wilmington, DE 19802

NOTICE OF DELAWARE RIGHTS

The Department of Labor Discrimination Unit provides the following excerpt from 19 Del. C. § 710, et seq. as information regarding the Delaware Right to Sue Notice. If you need legal advice, please seek your own legal counsel.

§ 714. Civil action by the Charging Party; Delaware Right to Sue Notice; election of remedies.

(a) A Charging Party may file a civil action in Superior Court, after exhausting the administrative remedies provided herein and receipt of a Delaware Right to Sue Notice acknowledging same.

(b) The Delaware Right to Sue Notice shall include authorization for the Charging Party to bring a civil action under this Chapter in Superior Court by instituting suit within ninety (90) days of its receipt or within ninety (90) days of receipt of a Federal Right to Sue Notice, whichever is later.

(c) The Charging Party shall elect a Delaware or federal forum to prosecute the employment discrimination cause of action so as to avoid unnecessary costs, delays and duplicative litigation. A Charging Party is barred by this election of remedies from filing cases in both Superior Court and the federal forum. If the Charging Party files in Superior Court and in a federal forum, the Respondent may file an application to dismiss the Superior Court action under this election of remedies provision.

NOTICE OF FEDERAL RIGHTS

1. If your case was also filed under federal law and resulted in a "No Cause" finding, you have additional appeal rights with the Equal Employment Opportunity Commission. Under Section 1601.76 of EEOC's regulations, you are entitled to request that EEOC perform a Substantial Weight Review of the DDOL's final finding. To obtain this review, you must request it by writing to EEOC within **15 days of your receipt** of DDOL's final finding in your case. Otherwise, EEOC will generally adopt the DDOL's findings.

2. If your case was also filed under federal law, you have the right to request a federal Right to Sue Notice from the EEOC. To obtain such a federal Right to Sue Notice, you must make a written request directly to EEOC at the address shown below. Upon its receipt, EEOC will issue you a Notice of Right to Sue and you will have ninety (90) days to file suit. The issuance of a Notice of Right to Sue will normally result in EEOC terminating all further processing.

3. Requests to the EEOC should be sent to:

Equal Employment Opportunity Commission
The Bourse, Suite 400
21 S. Fifth Street
Philadelphia, PA 19106-2515

EEOC Form 5 (5/01)

CHARGE OF DISCRIMINATION This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.		Charge Presented To: <input checked="" type="checkbox"/> FEPA <input checked="" type="checkbox"/> EEOC	Agency(ies) Charge No(s): 17C-2006-00698
Delaware Department of Labor State or local Agency, if any			
Name (indicate Mr., Ms., Mrs.) Mr. Maurice Johnson	Home Phone (Incl. Area Code) (302) 750-0748	Date of Birth 08-18-1960	
Street Address 1029 Lombard Street, Wilmington, DE 19801	City, State and ZIP Code		
Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)			
Name FLOUR INDUSTRIAL SERVICES, INC	No. Employees, Members 15 - 100	Phone No. (Include Area Code) (303) 761-2405	
Street Address Dupont Plant Edgemore, Edgemore, DE 19809	City, State and ZIP Code		
Name	No. Employees, Members	Phone No. (Include Area Code)	
Street Address	City, State and ZIP Code		
DISCRIMINATION BASED ON (Check appropriate box(es).)		DATE(S) DISCRIMINATION TOOK PLACE Earliest 01-01-2006 Latest 01-01-2006	
<input checked="" type="checkbox"/> RACE <input type="checkbox"/> COLOR <input type="checkbox"/> SEX <input type="checkbox"/> RELIGION <input type="checkbox"/> NATIONAL ORIGIN <input type="checkbox"/> RETALIATION <input type="checkbox"/> AGE <input type="checkbox"/> DISABILITY <input type="checkbox"/> OTHER (Specify below.)		<input type="checkbox"/> CONTINUING ACTION	
THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)): Jurisdiction: Charging Party was employed at Respondent's Delaware facility as a Supervisor at DuPont Edgemore Plant In Claymont DE he was discharged on 5/2/07.			
Charging Party's protected class: Race (Black)			
Adverse employment action: Discharge			
Brief statement of allegations: Charging Party alleges that based on race he was discriminated against when he was discharged by the Respondent. Specifically, Charging Party alleges that Respondent falsely promoted him to show racial balance but once promoted Charging Party states that the Respondent took every opportunity to allow workers under his supervision to undermine his authority. Charging Party alleges that the Respondent created unfair circumstance that made it difficult for him to succeed and advantageous for Respondent to discharge him. Charging Party states that based on race he was discouraged and disallowed to discipline his subordinate employees the same as his other similarly situated co-workers.			
Respondent's explanation: None given			
Applicable law(s): Title VII of the Civil Rights Act of 1964, Delaware Discrimination Employment Act			
Comparators(s) or other specific reason(s) for alleging discrimination: Charging Party alleges that based on race he was discriminated against when he was discharged. Charging Party states that in an effort to discharge him he was given the least desirable workers and worst equipment. Ultimately, as a result he was discharged by the Respondent. Further, Charging Party states that he overheard his supervisor Dale Ford talking to Site Manager Tal Smith. Charging Party states that Ford was explaining to Smith that there was a need to "due something about Johnson" "he is going to get us in trouble" Ironically; Charging Party states that after Respondent scrutinized his work he was discharged the next working day.			
I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.	NOTARY – When necessary for State and Local Agency Requirements		
I declare under penalty of perjury that the above is true and correct. <i>Maurice Johnson</i> Jun 11, 2007 Date	I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief. SIGNATURE OF COMPLAINANT SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (month, day, year)		

JS 44 (Rev. 11/04)

CIVIL COVER SHEET

07-657

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS <i>Maurice Johnson 2102 N. Spruce st. Wilmington, DE 19802</i>		DEFENDANTS <i>Flour Industrial Services Inc. 6700 Las Colinas Blvd. Irving, TX 75039</i>	
(b) County of Residence of First Listed Plaintiff <i>New Castle</i> <small>(EXCEPT IN U.S. PLAINTIFF CASES)</small>		<small>County of Residence of First Listed Defendant</small> <small>(IN U.S. PLAINTIFF CASES ONLY)</small>	
		<small>NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.</small>	
(c) Attorney's (Firm Name, Address, and Telephone Number) <small>Attnorneys (If Known)</small>			

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)		III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)			
<input type="checkbox"/> 1 U.S. Government Plaintiff <input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)		Citizen of This State <input checked="" type="checkbox"/> 1 PTF <input type="checkbox"/> DEF Incorporated or Principal Place of Business In This State <input type="checkbox"/> 4 PTF <input type="checkbox"/> DEF			
<input type="checkbox"/> 2 U.S. Government Defendant <input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)		Citizen of Another State <input type="checkbox"/> 2 PTF <input type="checkbox"/> DEF Incorporated and Principal Place of Business In Another State <input type="checkbox"/> 5 PTF <input checked="" type="checkbox"/> 5 DEF			
		Citizen or Subject of a Foreign Country <input type="checkbox"/> 3 PTF <input type="checkbox"/> DEF Foreign Nation <input type="checkbox"/> 6 PTF <input type="checkbox"/> DEF			

IV. NATURE OF SUIT (Place an "X" in One Box Only)									
CONTRACT		TORTS		FORFEITURE/PENALTY		BANKRUPTCY		OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise		<input type="checkbox"/> PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury		<input type="checkbox"/> PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability		<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other		<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark	
REAL PROPERTY		CIVIL RIGHTS		PRISONER PETITIONS		LABOR		SOCIAL SECURITY	
<input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property		<input type="checkbox"/> 441 Voting <input checked="" type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/ Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights		<input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition		<input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Emp'l. Ret. Inc. Security Act		<input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))	
						FEDERAL TAX SUITS		<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	

V. ORIGIN (Place an "X" in One Box Only)									
<input type="checkbox"/> 1 Original Proceeding <input type="checkbox"/> 2 Removed from State Court <input type="checkbox"/> 3 Remanded from Appellate Court <input type="checkbox"/> 4 Reinstated or Reopened <input type="checkbox"/> 5 Transferred from another district (specify) <input type="checkbox"/> 6 Multidistrict Litigation <input type="checkbox"/> 7 Appeal to District Judge from Magistrate Judgment									

VI. CAUSE OF ACTION		Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): <i>42 USC sec 2000</i>							
		Brief description of cause:							

VII. REQUESTED IN COMPLAINT:		<input type="checkbox"/> CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23		DEMAND \$		CHECK YES only if demanded in complaint: JURY DEMAND: <input type="checkbox"/> Yes <input type="checkbox"/> No			
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VIII. RELATED CASE(S) IF ANY		(See instructions):		JUDGE		DOCKET NUMBER			
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DATE		SIGNATURE OF ATTORNEY OF RECORD <i>Maurice Johnson</i>							
<i>10/19/07</i>									
FOR OFFICE USE ONLY									

RECEIPT # AMOUNT APPLYING IFF JUDGE MAG. JUDGE

AO FORM 85 RECEIPT (REV. 9/04)

United States District Court for the District of Delaware

Civil Action No. 07-657

ACKNOWLEDGMENT
OF RECEIPT FOR AO FORM 85

NOTICE OF AVAILABILITY OF A
UNITED STATES MAGISTRATE JUDGE
TO EXERCISE JURISDICTION

I HEREBY ACKNOWLEDGE RECEIPT OF 2 COPIES OF AO FORM 85.

10/19/07
(Date forms issued)

X Maurice Johnson
(Signature of Party or their Representative)

K Maurice Johnson
(Printed name of Party or their Representative)

Note: Completed receipt will be filed in the Civil Action